

Message Text

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ACTION SNM-05

INFO OCT-01 ARA-14 IO-14 ISO-00 L-03 PPTE-00 CA-01
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E.O. 11652: N/A
TAGS: SNAR, BF
SUBJ: NARCOTIC LAWS

REF: (A) STATE 170187 (B) NASSAU 1757

1. THE QUESTIONS RAISED IN REFTEL (A) ARE COVERED IN CHAPTER 223 OF BAHAMIAN LAW, WHICH DEALS WITH DANGEROUS DRUGS.
2. IN GENERAL THERE DOES NOT APPEAR TO BE ANY SIGNIFICANT DISTINCTION BETWEEN POSSESSION AND TRAFFICKING, EXPORT OR IMPORT; ALL ARE ILLEGAL. THE LAW COVERS THE SEVERAL VARIOUS KINDS OF NARCOTICS, SUCH AS MARIJUANA, COCAINE, HEROIN, AND SYNTHETICS.
3. PENALTIES INCLUDE FINE AND UP TO TEN YEARS IN PRISON FOR CONVICTIONS. HOWEVER, THE DEGREE OF SEVERITY DEPENDS USUALLY ON THE AMOUNTS OF DRUGS INVOLVED ON A CASE BY CASE BASIS. A FEW GRAMS OF MARIJUANA, FOR INSTANCE, USUALLY RESULT IN A SMALL FINE. ON THE OTHER HAND, A COLOMBIAN NATIONAL RECENTLY CONVICTED OF TRAFFICKING A LARGE AMOUNT OF COCAINE WAS SENTENCED TO SEVEN YEARS IN PRISON.
4. NO DISCRETION IS GRANTED LAW ENFORCEMENT PERSONNEL ONCE

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THERE IS EVIDENCE OF POSSESSION OR TRAFFICKING. CONSIDERABLE DISCRETION, HOWEVER, LIES WITH THE MAGISTRATE WITH REGARD TO BAIL AND EVENTUAL COURT SENTENCING WHEN THERE IS A CONVICTION.

5. CULTIVATION, PRODUCTION AND ELABORATION OF ALL THE NARCOTICS CITED ARE ILLEGAL, ALTHOUGH WE ARE UNAWARE OF ANY RECENT CASES UNDER THESE OFFENSES. WE ASSUME SUCH CASES WOULD BE TREATED

ABOUT THE SAME AS THOSE OF POSSESSION AND/OR TRAFFICKING FOR THE PURPOSES OF ARREST, TRIAL AND SENTENCING.

6. IT DOES NOT APPEAR THAT THE LAW AGAINST DANGEROUS DRUGS SPECIFICALLY SINGLES OUT FINANCIAL ACTIVITIES, HOWEVER IT DOES CONTAIN LANGUAGE PROHIBITING AMONG OTHER THINGS "ABETTING AN OFFENSE AGAINST THIS ACT." THE LAW ALSO IDENTIFIES CONSPIRACY, BUT WE ARE UNAWARE OF ANY CASES BEING MADE AGAINST CONSPIRACY.

7. PERSONS ARRESTED ON NARCOTICS CHARGES MAY SPEND UP TO 48 HOURS IN DETENTION FOR QUESTIONING BY ARRESTING OFFICERS BEFORE BEING BROUGHT TO A MAGISTRATE FOR CHARGES. THE BAHAMIAN POLICE CONSISTENTLY INFORM THE EMBASSY AS SOON AS POSSIBLE AFTER ARREST OF AN AMERICAN INVOLVED IN NARCOTIC (OR OTHER) OFFENSES. CONSULAR RELATIONS WITH THE AUTHORITIES ARE OFFICIALLY CORRECT AND PERSONALLY COOPERATIVE. THEY FUNCTION EXCEPTIONALLY SMOOTHLY. TRIALS USUALLY BEGIN WITHIN 4-6 WEEKS AND RARELY LAST MORE THAN A COUPLE OF DAYS. THERE IS NO PUBLIC DEFENDER SYSTEM. PRIVATE LAWYERS USUALLY CHARGE FEES DEPENDENT UPON THE AMOUNT OF NARCOTICS SEIZED IN THE ARREST. IT IS NOT CUSTOMARY TO EXPEL NARCOTIC OFFENDERS. IN PRACTICE, HOWEVER, AMERICAN OFFENDERS - EXCEPT THOSE CAUGHT WITH PARTICULARLY LARGE AMOUNTS - ARE GRANTED BAIL WHICH THEY PROMPTLY JUMP AND LEAVE THE COUNTRY. NO EFFORT IS MADE TO PREVENT FOREIGNERS UNDER BAIL FROM LEAVING THE BAHAMAS.

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SHANKLE

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